



## RAVALLI COUNTY ATTORNEY

*George H. Corn, County Attorney*  
*T. Geoffrey Mahar, Chief Deputy*  
*John Bell, Deputy*  
*Karen Mahar, Deputy*  
*William E. Fulbright, Deputy*

Ravalli County Courthouse  
205 Bedford Street, Suite C  
Hamilton, MT 59840  
Phone (406) 375-6750  
Fax (406) 375-6731

### MEMO

**TO:** Ravalli County Commissioners

**FROM:** George Corn *gc*

**DATE:** September 26, 2008

**RE:** Terry Nelson – Stevi Airport Road

RECEIVED

OCT 03 2008

Ravalli County Commissioners

--	--	--	--	--

Commissioners:

Please find attached a letter you received on September 23, 2008, from Dave Marquette. Mr. Marquette represents Mr. Nelson in the above-entitled matter. As you will recall this matter was almost settled in April or May, 2008, when Ms. Marie Arnott had objections to the settlement.

In July you asked my office to see if the matter could not be resolved based on some calls you had received from the landowners.

Pursuant to your direction I contact Mr. Marquette in early August. I determined that the \$20,000 settlement was still available. I then contacted Mr. Mike Grennel. Mr. Grennel lives in the area and is the citizen who had most recently contacted your office about the settlement. I explained to Mr. Grennel why the settlement was acceptable. I explained to him the consequences of not going through with the settlement which are harzarding a lawsuit which may well prove unsuccessful.

Mr. Grennel stated that he thought the landowners would go with the original settlement that had broken off in May and that I should proceed. The day I spoke to him was August 18, 2008. I was on the point of dictating a memo to you to proceed with the settlement when, on Tuesday, August 19<sup>th</sup>, I received a call from Ms. Marie Arnott. As I mentioned, Ms. Arnott was the citizen who objected to the settlement back in April and May. She informed me that the settlement was still unacceptable. I went through with her the reasons why I was advising you to accept the settlement. I explained to Ms. Arnott that the Commissioners, given the difficulty of the success in a suit, the settlement was reasonable. I further informed her that the Commissioners could simply walk away from the matter and leave the landowners on their own to sue Mr. Nelson.

Memo to Ravalli County Commissioners  
September 26, 2008  
Page 2 of 2

I had a lengthy conversation with Ms. Arnott. At the conclusion of that conversation Ms. Arnott told me that she would consider the matter, discuss it with the landowners, and get back to either the Commissioners or myself.

I have not heard from her and now we have Mr. Marquette's letter to you that you received on September 23, 2008, demanding the matter be resolved within thirty (30) days. I understand from Mr. Marquette that his client is still willing to pay the \$20,000 in settlement so long as all signatures of the landowners are obtained on the original settlement agreement. Let me emphasize that Mr. Grennel had told me on August 18<sup>th</sup>, that he was under the impression all landowners would sign however that was contradicted by Mr. Arnott who had apparently been in discussions with Mr. Grennel.

I suggest you immediately send a letter to Mr. Grennel and Ms. Arnott stating that if they do not have all the landowners sign the agreement by the 30-day deadline that you will walk away from the matter. May I point out that my office has spent an extensive amount of time answering Ms. Arnott's questions. We further pointed out why this settlement was reasonable and might well be the best the County could possibly hope to obtain.

I anticipate that Mr. Arnott will call you with many of the objections that I covered with her. I suggest that you do not entertain these given the extensive discussions I recited above. Please put this on your "tickler" system so that you do not miss the 30-day deadline.

GHC:hs

Attachment: as stated

cc: Dave Marquette, Esq. (w/o attachment)

*Markette & Chouinard, P.C.*  
*Attorneys at Law*

601 SOUTH FIRST STREET • P.O. Box 515 • HAMILTON, MONTANA 59840

DAVID T. MARKETTE

TELEPHONE: (406) 363-1110  
FAX: (406) 363-7418

DUSTIN M. CHOUINARD

**RECEIVED**

SEP 23 2008

Ravalli County Commissioners

--	--	--	--	--

September 19, 2008

Ravalli County Commissioners  
215 S 4<sup>th</sup> Street  
Hamilton, MT 59840

Re: Terry Nelson - Airport Road

Dear Commissioners:

Almost a year ago we attended a Commissioner's meeting where, for settlement purposes, Terry Nelson agreed to resolve claims by the Airport Road residents and the County. The basics of that agreement were that Mr. Nelson would place funds in escrow with the County contingent upon a complete release by the County and the residents allegedly affected.

A settlement agreement was provided for the residents in January, 2008. By letter dated April 7, 2008, Mr. Nelson again requested that the residents execute the document so that this matter could be sent to the Commissioners. By copy of the April 7, 2008 letter the County Attorney's Office was provided a copy of the settlement agreement and since then there have been several discussions between this office and the County Attorney's Office regarding the status of obtaining signatures by the residents.

Mr. Terry Nelson attempted, in good faith, to settle this controversy even though he feels he has committed no improper act. We do not believe Mr. Nelson should be held in limbo any longer. We request that the Commissioners withdraw their decision to pursue Mr. Nelson unless all signatures are obtained and the Commission releases Mr. Nelson within 30 days of the date of this letter. Given the current economy and the fact that Mr. Nelson has in good faith tried for almost a year to resolve the issues, it is not fair to leave this issue pending. Therefore, Mr.

: COPY :

September 19, 2008  
Page 2

Nelson withdraws his offer of settlement upon the expiration of the 30 days.

Very truly yours,

A handwritten signature in dark ink, appearing to read "D. T. Markette", written in a cursive style.

David T. Markette

DTM/kb

cc: Terry Nelson  
George Corn, County Attorney

COPY